

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LABORERS' LOCAL UNION NOS. 472
& 172 AND LABORERS' LOCAL
UNION NOS. 472 & 172 WELFARE
AND PENSION FUNDS AND SAFETY,
EDUCATION AND TRAINING FUNDS
and ZAZZALI, FAGELLA, NOWAK,
KLEINBAUM & FRIEDMAN P.C.,

Petitioners,

v.

LIMA CHARLES CONSTRUCTION,

Respondent.

Civ. No. 21-14473

OPINION

THOMPSON, U.S.D.J.

This matter comes before the Court upon the Petition and Motion to Confirm Arbitration Award filed by Petitioners Laborers' Local Union Nos. 472 & 172, Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds, and Zazzali, Fagella, Nowak, Kleinbaum & Friedman, P.C. (collectively, "Petitioners"). (ECF Nos. 1, 2.) Respondent Lima Charles Construction ("Respondent") has not opposed. The Court has decided the Motion based on the written submissions of the parties and without oral argument, pursuant to Local Civil Rule 78.1(b). For the reasons stated herein, Petitioner's Petition and Motion to Confirm the Arbitration Award are granted.

Upon review of Petitioners' submissions, the Court finds that Respondent is bound by a collective bargaining agreement with Petitioner Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds. (Pet. ¶ 2, ECF No. 1.) The

agreement provides for the submission to arbitration of any controversies concerning delinquent payments to Petitioner Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds. (*Id.* ¶ 3.) In accordance with these terms, this dispute was submitted to Arbitrator J.J. Pierson (the "Arbitrator"). (*Id.* ¶ 5.) Following a hearing held on May 27, 2021 and with proper notice to all parties, the Arbitrator entered an Award in writing on the same date. (Arb. Award at 19, Ex. B to Pet., ECF No. 1.)¹ The Award indicates that Respondent was delinquent in making required contributions to Petitioner Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds between March 1, 2021 and March 31, 2021. (*Id.* at 16–17.)

This Court must confirm an arbitration award "[i]f the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration." 9 U.S.C. § 9. Having considered Petitioners' written submissions in light of Respondent's failure to oppose, and for good cause shown, this Court grants Petitioners' Petition and Motion to Confirm Arbitration Award. (ECF Nos. 1, 2.) An appropriate Order will follow.

Date: September 23, 2021

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.

¹ The page numbers to which the Court refers are the CM/ECF page numbers.